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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,859	12/03/2004	Casimir Johan Crawley	PU020269	7325

7590 12/10/2009
Joseph S Tripoli
Thomson Licensing Inc
PO Box 5312
Princeton, NJ 08543-5312

EXAMINER

HU, RUI MENG

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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12/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/516,859	Applicant(s) CRAWLEY, CASIMIR JOHAN	
	Examiner RuiMeng Hu	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 09/15/2009.

Response to Arguments

1. Applicant's arguments filed on 08/14/2009 have been fully considered but they are not persuasive.

Applicant argued the present application addresses the problem by continually polling for a loss of a phase lock loop (PLL) at a receiver and if a decoder's phase lock loop has unlocked, the processor may repeatedly reinitialize and reset the decoder until a phase lock loop has been established (see, e.g., Specification, FIG. 3, p. 5, lines 17-24). The Specification nowhere indicates that the iterations in FIG. 3 stops and restarts when a new signal is received, as the Examiner's interpretation would indicate.

The examiner respectfully submits that claims 1, 7 and 12 recited “automatically and repeatedly reset and reinitialize said decoder **throughout and during** a period of signal transmission idleness at a transmitter source”, and the specification has a total of 4 pages, the lines cited by Applicant (p. 5, lines 17-24) is not found in the specification, the examiner believes that Applicant is referring to page 4 lines 13-21, the description of figure 3, however, page 4 lines 13-21 recited “The processor 24 continually polls the decoder 32 to determine if a phase lock loop **in** the demodulation of the incoming audio file signal has been lost 33. If the decoder's phase lock loop PLL has unlocked the processor

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undertakes a software reset of the decoder and reinitializes a phase lock loop condition **in** the decoding of the audio file signal received at the antenna 25”, it is clear that according to the specification, continually polling and reinitializing means are taken when demodulating and decoding a received signal, nowhere in the specification mentions that continually polling and reinitializing means are taken throughout and during a period of signal transmission idleness (as no received signal is present).

Response to Amendment

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding **claim 1**, the specification fails to support “automatically and repeatedly reset and reinitialize said decoder throughout and during a period of signal transmission idleness at a transmitter source”. According to figure 3 and specification page 4 lines 13-21, which stated “The processor 24 continually polls the decoder 32 to determine if a phase lock loop in the demodulation of the

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incoming audio file signal has been lost 33. If the decoder's phase lock loop PLL has unlocked the processor undertakes a software reset of the decoder and reinitializes a phase lock loop condition in the decoding of the audio file signal received at the antenna 25", it is clear that polling for a loss of phase lock loop and reinitializing the phase lock loop in the decoder 32 require a received incoming audio file signal, and nowhere of the specification clearly mention said polling and said reinitializing occur during the period of signal transmission idleness.

Same argument applies to independent claims 7 and 12.

4. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recited "automatically and repeatedly reset and reinitialize said decoder throughout and during a period of signal transmission idleness at a transmitter source". According to figure 3 and specification page 4 lines 13-21, which stated "The processor 24 continually polls the decoder 32 to determine if a phase lock loop in the demodulation of the incoming audio file signal has been lost 33. If the decoder's phase lock loop PLL has unlocked the processor undertakes a software reset of the decoder and reinitializes a phase lock loop condition in the decoding of the audio file signal received at the antenna 25", it is clear that polling for a loss of phase lock loop and reinitializing the phase lock

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loop in the decoder 32 require a received incoming audio file signal, thus said polling and said reinitializing would not possibly occur during the period of signal transmission idleness, since no transmission signal from the transmitter and no received signal present in the receiver during the period of signal transmission idleness.

Same argument applies to independent claims 7 and 12.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed**

to: Commissioner for Patents
P.O. Box 1450
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Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RuiMeng Hu whose telephone number is 571-270-1105. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/RuiMeng Hu/

R.H./rh

December 2, 2009

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618